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Assistance in implementing the universal conventions and protocols related to terrorism

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 62/172, the present report contains a review of progress made by the United Nations Office on Drugs and Crime, in particular by its Terrorism Prevention Branch, with regard to the delivery of technical assistance for implementing the universal conventions and protocols related to terrorism. The report addresses the challenges ahead in that regard, especially in the implementation of the United Nations Global Counter-Terrorism Strategy, and emphasizes the need for enhanced Government support to meet those challenges. It concludes with a set of recommendations for consideration by the Assembly.

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I. Introduction

1. In its resolution 62/172, the General Assembly, mindful that, in the United Nations Global Counter-Terrorism Strategy (Assembly resolution 60/288), the United Nations Office on Drugs and Crime (UNODC) was encouraged to enhance its provision of technical assistance to States, upon request, and to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions: requested UNODC to intensify its efforts to provide Member States with technical assistance, in particular by training criminal justice officials on the implementation of international instruments related to terrorism, in close coordination with the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force; also requested UNODC, whenever appropriate, to take into account in its counter-terrorism technical assistance programme the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law; further requested UNODC to continue to work with international organizations and relevant entities of the United Nations system, as well as with regional and subregional organizations, in the delivery of technical assistance, specifically to enhance legal cooperation, good practices and legal training in the area of counter-terrorism; and requested the Secretary-General to submit to the Assembly at its sixty-third session a report on the implementation of that resolution.

2. The present report focuses on activities carried out by UNODC, in particular by its Terrorism Prevention Branch, towards implementation of General Assembly resolution 62/172, between 1 June 2007 and 31 May 2008. It updates the information contained in the report of the Secretary-General entitled "Assistance in implementing the universal conventions and protocols related to terrorism" (E/CN.15/2008/5), submitted to the Commission on Crime Prevention and Criminal Justice at its seventeenth session, held in April 2008, which contains a more detailed account of activities until 31 December 2007.

II. Delivering technical assistance

3. The counter-terrorism technical assistance work of UNODC is mainly carried out by its Terrorism Prevention Branch. Since January 2003, the Branch has supported, either directly or indirectly, more than 150 States in ratifying and implementing the universal legal instruments against terrorism and in strengthening the capacity of national criminal justice systems to implement effectively their provisions in conformity with the principles of the rule of law.

4. The Branch works closely with other UNODC entities, especially through the Global Programme against Money-Laundering, such as the Law Enforcement, Organized Crime and Anti-Money-Laundering Unit and the Justice and Integrity Unit of the Governance, Human Security and Rule of Law Section in the Division for Operations. The Branch also works closely with the Organized Crime and Criminal Justice Section and the Corruption and Economic Crime Section of the Treaty and Legal Assistance Branch in the Division for Treaty Affairs. Further, the Branch works with the interregional advisory services under the regular programme of technical cooperation.

5. Efforts are made to take full advantage of the operational capacity of UNODC field offices. The Branch has continued to expand its network of field-level experts, covering West and Central Africa, East Africa, Southern Africa, North Africa and the Middle East, South-East Asia, the Pacific, the Commonwealth of Independent States and Central Asia, and Latin America and the Caribbean.

6. UNODC has recently elaborated a thematic programme on terrorism prevention detailing the specialized services that the Office can provide in pursuance of the terrorism prevention objectives contained in the strategy for the period 2008-2011 for UNODC (Economic and Social Council resolution 2007/12, annex) (see section III below).

A. Enhanced specialized services to strengthen the legal regime against terrorism

7. The Branch has pursued a three-pronged approach in the delivery of counter-terrorism technical assistance by: (a) providing tailor-made national-level assistance to requesting States; (b) carrying out subregional and regional activities, to support and complement national activities; and (c) developing technical assistance tools and specialized substantive publications.

1. National-level technical assistance

8. From 1 June 2007 to 31 May 2008, direct technical assistance was provided to the following 53 States: Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, Comoros, Djibouti, Dominican Republic, Ecuador, El Salvador, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Indonesia, Iraq, Jordan, Kenya, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritius, Mexico, Morocco, Niger, Oman, Panama, Papua New Guinea, Rwanda, Serbia, Somalia, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates and Yemen.

9. In delivering technical assistance, the Branch made use of cost-effective telecommunication technologies, especially videoconferencing, to prepare and follow up activities and to share expertise with national legal practitioners. The Branch also brought national delegations to UNODC headquarters for intensive working sessions involving also other UNODC entities.

2. Regional and subregional workshops

10. In the period under review, 15 regional and subregional workshops were organized, covering more than 105 countries. Most of the workshops followed up on previous workshops that had aimed to mobilize political commitment, intensify national action and increase international cooperation in combating terrorism. The main purpose of the follow-up workshops was to assess progress made and identify areas where further assistance was required. Some of the workshops also dealt with strengthening international cooperation against transnational organized crime and corruption, drawing on the expertise gained by other UNODC entities and the interregional advisory services.

11. Three of the workshops were held at the ministerial level:

(a) A meeting of ministers of justice of member States of the Intergovernmental Authority on Development (IGAD) on legal cooperation against terrorism, organized together with the IGAD Capacity-Building Programme against Terrorism, was held in Kampala on 20 and 21 September 2007. At the meeting, six IGAD member States reviewed progress made on strengthening international and regional cooperation against terrorism;

(b) The Fifth Conference of Ministers of Justice of Francophone African Countries on the implementation of the universal instruments against terrorism, organized in cooperation with the International Organization of la Francophonie, was held in Rabat from 12 to 16 May 2008. The Conference was attended by representatives of 25 countries. Participants adopted the Declaration of Rabat, in which they congratulated those francophone African States which had ratified and incorporated into their national legislation the universal instruments against terrorism and called on those francophone African States which had not yet done so to become parties to and implement those instruments. Participants also approved a draft regional convention on mutual legal assistance and extradition against terrorism and requested UNODC to provide the assistance necessary for its implementation;

(c) The Second Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime, organized together with the Inter-American Committee against Terrorism (CICTE) of the Organization of American States was held in Panama City from 26 to 29 May 2008. The Conference was attended by senior officials from 10 countries. At the Conference, the representatives of participating States adopted the Declaration of Panama, in which they reaffirmed their commitment to continue their efforts to ratify and implement the universal legal instruments against terrorism and strengthen regional and subregional cooperation.

3. Technical assistance tools

12. The Branch has developed a number of technical assistance tools, including a checklist of the offences set forth in the universal legal instruments, the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*,[1] the *Guide for the Legislative Incorporation and Implementation of the Universal Anti-Terrorism Instruments* and model legislative provisions against terrorism. Most of those tools are available in the six official languages of the United Nations.

13. A key tool is the database of electronic legal resources on international terrorism, which includes the texts of the universal instruments against terrorism and the status of their ratification, searchable by region, country, treaty and time period. The database also contains legislation, including case law, from more than 145 countries. Access to the database is available upon request.

14. New tools and substantive working documents are being elaborated and existing tools are being updated regularly. For example, a revised version of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*,

[1] United Nations publication, Sales No. E.04.V.7.

entitled *Legislative Guide to the Universal Legal Regime against Terrorism*,[2] has been published. Analytical studies on developments in terms of anti-terrorism legislation in various subregions are being finalized.

15. In cooperation with the Office of Legal Affairs of the Secretariat, the Branch has prepared the third edition of a publication entitled *International Instruments related to the Prevention and Suppression of International Terrorism*, which contains all the universal legal instruments related to terrorism, recent counter-terrorism resolutions adopted by the Security Council and the General Assembly and regional counter-terrorism instruments.

16. Other tools under preparation include a training manual on international cooperation in the fight against terrorism, a specialized tool on nuclear terrorism, a handbook on criminal justice responses against terrorism, an introduction to international legal aspects of countering terrorism and a digest of terrorist cases for practitioners.

B. Expanded work in specific areas of legal assistance and capacity-building support

17. In cooperation with other UNODC entities and partner organizations, the Branch has organized and participated in several specialized activities that address in greater depth specific aspects of counter-terrorism legal assistance work.

1. Strengthening international cooperation in criminal matters

18. Focused assistance has been provided through a number of workshops, organized together with the Organization for Security and Cooperation in Europe (OSCE). Such workshops include a subregional workshop for the Nordic and Baltic countries on enhancing international legal cooperation in criminal matters related to terrorism, which was held in Helsinki on 30 and 31 October 2007 and attended by experts from seven countries, and the Workshop on Enhancing International Legal Cooperation related to Terrorism, including the Drafting of Requests for Extradition and Mutual Legal Assistance, which was held in Ankara on 1 and 2 April 2008.

19. Jointly with the European Commission and the Slovenian Presidency of the Euro-Mediterranean Partnership, the EuroMed Workshop on the Mechanisms of International Cooperation in Criminal Matters Pertaining to Counter-Terrorism was held in Rabat on 5 and 6 May 2008. Experts from 26 countries and 12 international organizations participated in the Workshop. Presentations were given by senior officials from the Council of the European Union, Eurojust, the European Police Office (Europol), the Council of Europe, the League of Arab States, the International Criminal Police Organization (INTERPOL) and the Executive Directorate of the Counter-Terrorism Committee. Participants agreed on a set of recommendations to enhance cooperation among partner countries and regional and international organizations with the aim of strengthening counter-terrorism efforts in legal areas.

[2] Ibid., Sales No. E.08.V.9.

20. A subregional training workshop for the member States of the Indian Ocean Commission to strengthen international cooperation in criminal matters related to terrorism was held in Port Louis from 28 to 30 April 2008.

21. The Branch organized, together with CICTE, the Specialized Workshop on International Cooperation on Terrorism and Criminal Issues, which was held in Lima from 16 to 19 October 2007. Representatives from 11 countries attended the Workshop, where they shared information about real cases and experiences in international cooperation, international and regional legal frameworks against terrorism, international cooperation mechanisms and the functioning of networks such as Eurojust and the Ibero-American Legal Assistance Network (IberRED).

22. Focused counter-terrorism training workshops addressing aspects of prosecutorial strategies and international cooperation in criminal matters were also organized at the national level, in Santiago from 11 to 15 June 2007 and in Panama City from 23 to 26 July 2007. A specialized training workshop for judicial and prosecutorial officers on the prevention of terrorism and its financing: legal frameworks and mechanisms of international cooperation was held in the Dominican Republic from 17 to 20 September 2007 and a national training workshop for judges, prosecutors and investigative police officers on counter-terrorism and international cooperation was held in El Salvador from 31 March to 4 April 2008. Those activities were organized in collaboration with CICTE and benefited from substantive contributions by senior prosecutors from Argentina, Canada, Colombia, Italy, Mexico, Spain and the United States of America, as well as by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Monetary Fund (IMF) and Eurojust.

23. National-level training on counter-terrorism in the framework of international cooperation in criminal matters was also provided to criminal justice officials in a number of African countries, such as Kenya (16-20 July and 19-21 November 2007), Uganda (17-18 July 2007), Malawi (6-8 August 2007), Guinea (11-13 September 2007), Mauritius (8-11 October 2007), Cape Verde (29-31 October 2007), Guinea-Bissau (29-31 October 2007), the Niger (12-14 November 2007), Rwanda (30 January-1 February 2008), Cameroon (25-27 March 2008) and Gabon (10-11 April 2008). The Commonwealth Secretariat and INTERPOL contributed to several of the training workshops, as did senior practitioners from various countries, including Brazil, France, Italy and Morocco.

24. In addition to the work of the Branch in promoting international cooperation in criminal matters specifically relating to counter-terrorism, UNODC programme activities aimed at facilitating overall international cooperation in criminal matters, especially extradition and mutual legal assistance, are also relevant to the fight against terrorism. Such activities, carried out mainly by the Treaty and Legal Assistance Branch of UNODC, include the elaboration of model treaties and laws, the provision of legal advisory services to requesting States and the design of software tools, such as the Mutual Legal Assistance Request Writer Tool. A similar tool is being developed to facilitate the writing of extradition requests and a model law on mutual legal assistance is being elaborated. The model bill on money-laundering, financing of terrorism, proceeds of crime and civil forfeiture for common-law countries is currently being updated in the framework of the Global Programme against Money-Laundering in collaboration with the Commonwealth Secretariat and IMF.

2. Suppressing the financing of terrorism

25. In the framework of the Global Programme against Money-Laundering, the Branch has carried out joint specialized activities to assist Member States in elaborating and implementing legislation aimed at countering the financing of terrorism. One of those joint activities was the subregional training workshop for member States of the Central African Economic and Monetary Community (CEMAC) and the Economic Community of Central African States on countering money-laundering and the financing of terrorism, which was held in Gabon from 7 to 9 April 2008. In addition, national workshops against money-laundering and the financing of terrorism were held in Beirut from 17 to 21 September 2007 and in Muscat from 17 to 19 February 2008. With the support of the Branch, in September 2007 the Government of Argentina approved a national agenda for 2007-2009 on countering the financing of terrorism and money-laundering. In the framework of the Global Programme against Money-Laundering, the Branch will assist the authorities of Argentina in implementing the agenda by organizing a set of joint activities.

26. During 2007 and 2008, technical assistance against money-laundering and the financing of terrorism has been delivered in most regions and the demand for such assistance is increasing. Countering the financing of terrorism has been integrated in all components of the Branch's operational work, in line with relevant international standards. Through the Global Programme, States have been assisted in taking measures to protect their financial systems from persons planning or engaged in terrorist activities. Specific initiatives have been developed around awareness-raising, training and institution and capacity-building, in particular the setting up and operation of financial intelligence units, the carrying out of financial investigations and the drafting and implementation of asset forfeiture provisions. Through the field-based mentor programme of the Global Programme, the long-term deployment of professional expertise to the field has continued to expand with the aim of training people, building institutions, delivering direct technical assistance and strengthening capacity to combat money-laundering and the financing of terrorism. Mentors are currently deployed in Central Asia, South-East Asia, East and Southern Africa, the North Pacific and Central and South America. As part of the Global Programme, the International Money-Laundering Information Network has also continued to expand. The Network, which is maintained on behalf of a partnership of international organizations, includes the Anti-Money-Laundering International Database, a password-restricted legal database containing the legislation on money-laundering and the financing of terrorism of some 175 jurisdictions.

3. Preventing nuclear terrorism

27. Specific activities have been organized to assist States in drafting appropriate counter-terrorism legislation that incorporates the internationally agreed obligations on nuclear terrorism. Such activities have been organized in close cooperation with regional and specialized international organizations, in particular the International Atomic Energy Agency (IAEA), and with the participation of specialized bodies, such as the Security Council Committee established pursuant to resolution 1540 (2004), as well as with the International School of Nuclear Law.

28. Specialized regional activities during the period under review include a workshop on the criminal law aspects of countering nuclear, chemical and biological terrorism in the light of the relevant universal instruments for the member States of the Commonwealth of Independent States and the Collective Security Treaty Organization, organized with OSCE and the Executive Committee of the Commonwealth of Independent States in Minsk from 16 to 18 January 2008, and a regional workshop on nuclear terrorism for member States of the Cooperation Council for the Arab States of the Gulf, organized in Doha on 29 and 30 April 2008 with contributions from IAEA, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, Eurojust and the Security Council Committee established pursuant to resolution 1540 (2004).

29. National legislative drafting expert workshops on the criminal law aspects of the universal legal framework against nuclear terrorism were organized in Belgrade on 19 and 20 February 2008 (with the involvement of IAEA) and in Kyiv from 10 to 14 March 2008 (in cooperation with the State Department of the United States and the Anti-Terrorism Centre of Ukraine).

30. During a working group meeting on nuclear terrorism held in Vienna from 5 to 7 December 2007, legal experts working in the areas of nuclear, criminal, maritime and international law discussed the penal provisions dealing with nuclear terrorism contained in the universal legal framework against nuclear terrorism. The participation of representatives of the Office of Legal Affairs of the Secretariat, UNODC, the International Maritime Organization (IMO) and IAEA allowed for an exchange of views on the related technical assistance work of those bodies. Based on the outcome of the meeting, a specialized technical assistance tool is being developed to facilitate the incorporation of the relevant provisions of the universal legal instruments into national legislation.

4. Enhancing a rule-of-law-based criminal justice response to terrorism

31. In accordance with the United Nations Global Counter-Terrorism Strategy, the Branch seeks to assist States in enhancing their rule-of-law-based counter-terrorism capacity through the organization of various technical assistance activities in partnership with other entities and organizations.

32. During the period under review, the Branch participated in a national seminar for criminal justice officials from Morocco on combating terrorism within the rule of law. The seminar, which was organized by the International Legal Assistance Consortium (ILAC) and its member organization, the Human Rights Network International-Magna Carta, was held in Brussels from 31 May to 2 June 2007 within the context of the Council of the European Union Working Party on Terrorism.

33. In cooperation with another ILAC member organization, the International Bar Association, UNODC organized a training workshop for 40 criminal justice officials from Iraq on how to provide capacity-building support to counter terrorism and organized crime. The workshop was held from 28 October to 1 November 2007. Substantive contributions were provided by staff members of the Division for Operations of UNODC, practitioners from the United Kingdom of Great Britain and Northern Ireland and an expert from the Programme on Governance in the Arab Region of the United Nations Development Programme.

34. At the request of the Human Rights Office of the United Nations Assistance Mission for Iraq, the Branch contributed to two seminars on Protection of Human Rights in Counter-Terrorism. The first was held in Erbil, Iraq, from 27 to 29 November 2007 and the second in Baghdad from 9 to12 March 2008.

35. A rule-of-law-based response to terrorism has also been promoted through the preparation of specialized technical assistance tools, such as a handbook on criminal justice responses to counter-terrorism, which is being developed jointly by the Branch and the Justice and Integrity Unit of UNODC. An expert group meeting was held in Vienna on 1 and 2 October 2007 to discuss the handbook. Another publication is being prepared to introduce relevant policymakers, legislators and criminal justice officials to aspects of international law related to counter-terrorism, including information on relevant basic elements of international law, international criminal law, international humanitarian law, international human rights law and refugee law. Furthermore, the Branch is preparing a digest of terrorist cases for practitioners with the aim of providing criminal justice officials, investigative police officers and relevant policymakers with practical ideas and insight based on the experiences of expert practitioners. At an expert group meeting held in Vienna on 7 and 8 February 2008, an eminent group of high-level experts from Colombia, France, Ireland, Italy, Mexico, Morocco, Peru, the Russian Federation, Spain, the United Kingdom and the United States, as well as the President of the International Association of Prosecutors, discussed the content of the tool and modalities for its elaboration.

36. An important contribution is also made by UNODC technical assistance projects aimed at improving the management and operation of law enforcement agencies, the judiciary and penitentiary systems, in accordance with United Nations standards and norms in crime prevention and criminal justice.

C. Partnerships for the delivery of technical assistance

37. A key factor in the successful delivery of technical assistance has been fostering coordination and partnerships with other entities active in the field of counter-terrorism.

1. Cooperation with Security Council bodies dealing with counter-terrorism

38. The counter-terrorism work of UNODC is carried out in close cooperation with the Counter-Terrorism Committee of the Security Council and its Executive Directorate. The functions of the Committee and its Executive Directorate and UNODC are fully complementary and mutually supportive: the political, policy, coordination and facilitation work of the Committee and its Executive Directorate precedes and guides the work of UNODC in delivering technical assistance in the legal and related capacity-building areas. In turn, the technical assistance work of UNODC helps the Committee and its Executive Directorate to verify the response to the identified gaps and needs in the counter-terrorism capacity of Member States.

39. In accordance with those distinct functions, the following working arrangements are in place to guide cooperation:

(a) In accordance with Security Council resolution 1535 (2004), UNODC has participated, since 1 June 2007, in country visits of the Committee and its Executive Directorate to Armenia, Bangladesh, Georgia, Indonesia, the Niger and Saudi Arabia;

(b) Experts of the Committee and its Executive Directorate have participated in UNODC activities and given briefings on the role of the Committee and priorities identified in accordance with Security Council resolution 1373 (2001);

(c) Consultations with the Committee and its Executive Directorate have taken place in the planning of UNODC activities; mission reports and periodic matrices of ongoing and planned technical assistance activities have been shared; and the Committee and its Executive Directorate have provided guidance on States in need of assistance;

(d) UNODC has continued to provide technical assistance in legal and related areas to those States, at their request;

(e) UNODC, through the Branch, has also continued to assist requesting Member States in compiling the elements needed for the submission of their responses to the Counter-Terrorism Committee. On the occasion of a briefing given by the Chief of the Branch to the Committee on 24 April 2008, discussions focused on how to further strengthen cooperation between UNODC and the Committee and its Executive Directorate following the adoption by the Committee of the revised organizational plan of the Executive Directorate.

40. Cooperation has been strengthened with the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (the Al-Qaida and Taliban Sanctions Committee) and its Analytical Support and Sanctions Monitoring Team. On 21 April 2008, the Chief of the Branch briefed the Al-Qaida and Taliban Sanctions Committee on strengthening cooperation among that Committee, the Monitoring Team and UNODC. When providing technical assistance to States, UNODC seeks to reinforce their capacity in the legislative and regulatory areas to implement the sanctions regime, as well as to assist States in drafting those portions of their reports to the Committee in which UNODC has specialized expertise. In the framework of the Global Programme against Money-Laundering, the Branch also assists in disseminating information on the sanction regime and in explaining to the relevant national authorities, including judges and prosecutors, the scope of States' obligations with regard to the measures under that regime.

41. Consultations are also under way with the expert group of the Security Council Committee established pursuant to resolution 1540 (2004) concerning the proliferation of weapons of mass destruction and non-State actors in order to define areas where UNODC technical assistance can contribute to the work of that Security Council Committee, which monitors the implementation of Council resolution 1540 (2004).

42. A major undertaking in 2007 was the organization by UNODC of subregional workshops on writing reports in pursuance of the common strategy on reporting approved by the three relevant Security Council committees (the Counter-Terrorism

Committee, the Committee established pursuant to Council resolution 1267 (1999) and the Committee established pursuant to Council resolution 1540 (2004)):

(a) The subregional workshop on the preparation of responses to the three Security Council committees dealing with counter-terrorism was held in Dakar from 25 to 27 September 2007. Representatives of 23 West and Central African countries attended the workshop. Experts addressed specific problems and concerns regarding the implementation of their States' obligations under the relevant Security Council resolutions. At the workshop, participants adopted an outcome document (A/62/479-S/2007/602, annex);

(b) A subregional workshop on the preparation of responses to the three Security Council committees dealing with counter-terrorism was held in Gaborone on 29 and 30 November 2007. The workshop was organized by UNODC in cooperation with the Southern African Development Community (SADC) and experts from the three Security Council committees. Representatives of all 14 SADC member States, as well as the Comoros and Seychelles, attended the workshop. At the workshop, participants adopted an outcome document (A/62/591-S/2007/746, annex).

43. In coordination with the three Security Council committees dealing with counter-terrorism, the Branch organized briefings for the permanent missions of Caribbean States to assist those States in meeting their obligations arising from the relevant Security Council resolutions. The briefings were held in New York from 3 to 8 December 2007. Following those briefings, technical assistance was provided to the Government of Antigua and Barbuda, regarding its reporting obligations and legislative requirements pursuant to Security Council resolutions 1267 (1999), 1373 (2001) and 1624 (2005).

2. Participation in the Counter-Terrorism Implementation Task Force

44. In order to ensure that the counter-terrorism work of UNODC is carried out in full coherence with United Nations system-wide efforts, UNODC actively participates in the Counter-Terrorism Implementation Task Force. Chaired by the Executive Office of the Secretary-General, the Task Force consists of 24 key actors of the United Nations system and its partners. It serves as a forum for fostering coherent counter-terrorism action in the United Nations system. The Branch represented UNODC at the meetings of the Task Force held in New York on 3 December 2007 and on 19 and 20 May 2008.

45. In May 2007, the Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy was organized in Vienna by the Government of Austria, the Executive Office of the Secretary-General and UNODC. The Symposium was attended by more than 350 participants from 107 Member States and many international, regional and subregional organizations. A publication containing the proceedings of the Symposium was issued in September 2007. The publication, available in the six official languages of the United Nations, served as a background document for the informal meeting of the General Assembly on the implementation of the Strategy that was held in New York on 4 December 2007.

46. The Counter-Terrorism Implementation Task Force has established working groups to address priority issues, such as: financing of terrorism; human rights; radicalization and extremism that lead to terrorism; use of the Internet for terrorist

purposes; victims of terrorism; and vulnerable targets. UNODC is co-chairing the working groups on facilitating the integrated implementation of the Strategy and on tackling the financing of terrorism, and is an active member of several other working groups, including one on protecting human rights while countering terrorism.

47. In regular consultations with Member States, the working group on facilitating the integrated implementation of the United Nations Global Counter-Terrorism Strategy, co-chaired by the Executive Office of the Secretary-General, the Executive Directorate of the Counter-Terrorism Committee and UNODC, is developing a mechanism through which Member States can channel their requests for assistance to the United Nations via one entry point, thus ensuring that they receive a tailored response with regard to all four pillars of the Strategy without having to seek that assistance from different entities of the United Nations system (see section III below).

48. The working group on tackling the financing of terrorism, co-chaired by UNODC, the World Bank and IMF, has engaged its members in a stocktaking exercise in order to analyse the effectiveness of measures currently in place to combat such financing and to identify new approaches to that issue. UNODC has hosted several expert round tables and is contributing to a report that will contain recommendations to stakeholders on how to move forward in effectively countering the financing of terrorism.

49. In addition, UNODC has continued to engage entities and organizations represented on the Counter-Terrorism Implementation Task Force in its technical assistance activities, in particular INTERPOL, IAEA, OHCHR, IMO, the International Civil Aviation Organization, IMF and the World Bank. It has also contributed to a large number of initiatives spearheaded by other entities represented on the Task Force, including high-level events such as the event on the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex), organized by the Office of Legal Affairs in New York on 18 June 2007, and the International Conference on Terrorism: Dimensions, Threats and Countermeasures, organized by the Department of Political Affairs of the Secretariat, the Government of Tunisia, the Organization of the Islamic Conference and the Islamic Educational, Scientific and Cultural Organization in Tunis from 15 to 17 November 2007. UNODC has also contributed to the development of substantive tools, such as the revised directory of international best practices, codes and standards for the implementation of section II of the United Nations Global Counter-Terrorism Strategy developed by the Executive Directorate of the Counter-Terrorism Committee, and the fact sheet on terrorism, counter-terrorism and human rights prepared by OHCHR.

50. Further, the Branch has contributed to various initiatives launched by regional and subregional organizations, as well as by non-governmental organizations, with regard to the implementation of the Strategy and the mandate of the Task Force. Such initiatives have included several meetings hosted by OSCE, including the High-Level Meeting on Victims of Terrorism, held in Vienna on 13 and 14 September 2007, and the workshop on combating incitement to terrorism on the Internet, held in Vienna on 15 and 16 November 2007; a subregional workshop on implementing the Strategy in Southern Africa, co-organized by the Institute for Security Studies, SADC and the Center on Global Counterterrorism Cooperation

and held in Johannesburg on 17 and 19 September 2007; and numerous other workshops organized by the International Peace Institute (formerly the International Peace Academy) and the Center on Global Counterterrorism Cooperation.

51. In 2008, UNODC has also participated in meetings organized in the framework of the International Process on Global Counterterrorism Cooperation, held in Zurich, Switzerland, on 21 and 22 January, in Bratislava on 17 and 18 March and Antalya, Turkey, on 22-23 May. UNODC also attended a meeting in Tokyo on 17 and 18 June. The International Process on Global Counterterrorism Cooperation is an initiative that was launched by Switzerland in cooperation with Costa Rica, Japan, Slovakia and Turkey. It aims to assess the overall contributions of the United Nations to the fight against terrorism and identify ways to make its institutions more relevant to national counter-terrorism strategies and better able to support the implementation of the Strategy.

3. Operational partnerships with other organizations

52. The Branch has continued to enhance operational partnerships with international, regional and subregional organizations for the implementation of the technical assistance activities in the framework of the Global Project on Strengthening the Legal Regime against Terrorism.

53. International partners include: IAEA, INTERPOL, the International Civil Aviation Organization, IMO, IMF, the World Bank, the International Organization for Migration, the Counter-Terrorism Action Group of the Group of Eight, the Financial Action Task Force on Money Laundering (FATF) and the FATF-Style regional bodies, the International Organization of la Francophonie, the Commonwealth Secretariat, the International Development Law Organization and ILAC and its member organizations. Regional and subregional partners include: CICTE, the Organization of American States, the Anti-Terrorism Unit and the Office for Democratic Institutions and Human Rights of OSCE, the Organization of the Islamic Conference, SADC, the IGAD Capacity-Building Programme against Terrorism, the African Union, Economic Community of Central African States, the Economic Community of West African States, CEMAC, the Common Market for East and Southern Africa, the Association of Regional Magistrates of Southern Africa, the League of Arab States, the Cooperation Council for the Arab States of the Gulf, the European Union, Eurojust, the Euro-Mediterranean Partnership, the Council of Europe, the Commonwealth of Independent States, the Pacific Islands Forum Secretariat (PIFS) and the Association of Southeast Asian Nations (ASEAN).

54. An effective and exemplary partnership has been maintained with CICTE, with which the Branch implements technical assistance activities in the Americas, thus ensuring full complementarity of programmes and actions.

55. Cooperation with ASEAN has been pursued through the provision of legal input to the ASEAN Workshop on Preventing Bio-terrorism, held in Jakarta on 12 and 13 July 2007.

56. Through its participation in the Tenth Arab Conference on Combating Terrorism, held in Tunis in June 2007, the Branch fostered cooperation with the Council of Arab Ministers of the Interior.

57. Building on previous engagement and cooperation with the African Union and in line with the overall UNODC plan of action for Africa, the Branch and the African Centre for the Study and Research on Terrorism have established a partnership to jointly enhance the capacity of African States to implement the provisions of the universal legal framework and the recently drafted African Union model law on terrorism. The Branch participated in subregional workshops with the aim of building the relevant counter-terrorism capacity of key law enforcement and criminal justice officials from all African subregions in Johannesburg, South Africa, from 5 to 7 November 2007, and in Algiers, from 2 to 4 April 2008.

58. In addition to having jointly organized the EuroMed Workshop on the Mechanisms of International Cooperation in Criminal Matters Pertaining to Counter-Terrorism in May 2008, UNODC and the European Union have continued to share information regarding ongoing and planned technical assistance activities at national and regional levels. A workshop organized with the Government of Indonesia and the European Union on the "Legal Implementation of the Universal Framework against Terrorism, Combating Cyber-Terrorism and on Rehabilitation Programmes" was held in Jakarta on 4 and 5 September 2007. More than 80 criminal justice officials and European Union representatives participated in the workshop.

59. With Eurojust, UNODC has formalized an operational partnership aimed at providing enhanced services for strengthening the legal regime against terrorism. Such services are expected to be enhanced through participation in each other's activities and joint activities, as well as the active involvement of European counter-terrorism practitioners in UNODC training activities and the development of training material based on real case studies.

60. Collaborative activities are being undertaken with PIFS, including through the placement of an expert within PIFS to provide focused assistance to States in the Pacific. A subregional consultation workshop held on 25 and 26 June 2007 was attended by officials from 14 countries in the Pacific. The workshop provided a valuable forum for experts from the Executive Directorate of the Counter-Terrorism Committee and the Security Council Committee established pursuant to resolution 1540 (2004) to work with Government officials from those countries. At the workshop, participants adopted an outcome document, setting out technical assistance needs with regard to the legal aspects of counter-terrorism. A follow-up workshop is to be held on 2 and 3 June 2008. The Branch has also been contributing to the annual meetings of the PIFS Counter-Terrorism Working Group.

61. The Collective Security Treaty Organization organized jointly with the Branch a workshop for legal experts from member States of the Organization on the criminal law aspects of the implementation of the universal counter-terrorism instruments. The workshop was held in Moscow from 16 to 18 October 2007.

62. A new partnership is being developed with the Asian-African Legal Consultative Organization. UNODC was invited to participate in the forty-sixth session of the organization, which was held in Cape Town, South Africa, from 2 to 6 July 2007. One day of the session was devoted to counter-terrorism issues and the role of UNODC in delivering technical assistance.

63. In cooperation with the International Development Law Organization, the Branch organized a national legislative workshop for officials from local

government agencies in Bangladesh on the ratification and incorporation into national legislation of the universal instruments against terrorism. The workshop was held in Dhaka on 6 and 7 May 2008. A national workshop on international cooperation in criminal matters related to terrorism, organized jointly with the Italian programme office of the International Development Law Organization, was held in Kabul from 10 to 15 December 2007.

4. Cooperation with recipient and donor countries

64. To ensure that the assistance delivered is tailored to the particular needs of each State assisted, the Branch has been working with representatives and experts in recipient countries. In addition to pursuing formal communication through the official channels of the permanent missions to the United Nations in Vienna and New York and the ministries of foreign affairs, extensive consultations and working contacts are maintained with various other ministries, the judiciary and prosecutorial services.

65. Donor support for the technical assistance activities of the Branch has been steadily increasing. Between January 2003 and May 2008, voluntary contributions (paid and pledged) totalled some 24.3 million United States dollars. Contributions were made by the following 21 countries: Austria, Belgium, Canada, Colombia, Denmark, France, Germany, Greece, Italy, Japan, Liechtenstein, Monaco, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States. Recently, the International Organization of la Francophonie also made a financial contribution. The Branch is most grateful to its donors for their invaluable financial support and in kind contributions, without which its technical assistance activities would not be possible.

66. Collaboration and substantive input are also sought from institutions of donor Governments. Where possible, use is made of existing expertise for the implementation of project activities.

D. Evaluating delivery and assessing impact

67. A preliminary evaluation of the technical assistance delivered by the Branch to selected States in Francophone Africa and in Latin America and the Caribbean was carried out by the Independent Evaluation Unit of UNODC in 2006. The major finding of the report, published in June 2007, was that in all the countries covered there was a clear indication from all stakeholders that the technical assistance provided by the Branch had been extremely useful, effective and appropriate and that the Global Project on Strengthening the Legal Regime against Terrorism had contributed to speeding up the ratification process.

68. In 2007, the Independent Evaluation Unit carried out a comprehensive evaluation of the Global Project on Strengthening the Legal Regime against Terrorism, covering all regions and all activities between January 2003 and June 2007. The Unit analysed the relevance, effectiveness and efficiency of the technical assistance delivered in the framework of the Global Project, the efficiency of the overall management of the project by the Branch and the sustainability of the benefits generated by the Global Project. The evaluation team reached very positive conclusions with regard to all those aspects and made nine recommendations with

respect to the future work of the Global Project. In most countries visited by the evaluation team, appreciation was shown for the technical assistance provided by the Branch and Member States considered the Global Project to be a relevant contribution to their efforts to counter terrorism. The evaluation team found nearly universal appreciation for the content and relevance of the training workshops. A major recommendation was to develop a comprehensive strategy that laid out the vision, focus and approach of the Branch with regard to capacity development. The Branch is committed to implementing all the recommendations and is taking the necessary action to fulfil its commitment.

69. The Branch measures the impact of its technical assistance and related activities on the basis of several tangible indicators, such as: the number of States becoming parties to the universal legal instruments; the number of States assisted that draft and implement new counter-terrorism laws; the number of Government officials trained; and the feedback given by Member States on the work of UNODC.

70. Since 2003, Member States provided with technical assistance by the Branch have completed an estimated 418 new ratifications. Since 1 June 2007, 54 new ratifications of the universal counter-terrorism instruments have been completed by Member States that have received assistance from the Branch. In January 2003, when the Global Project on Strengthening the Global Regime against Terrorism started, only 26 States had ratified all of the first 12 universal instruments. As at May 2008, 99 States have ratified those instruments. Similarly, in January 2003, 98 States had ratified only six or fewer of the 12 instruments, while as at May 2008, that number has been brought down to 27.

71. In addition, at least 48 States have taken steps to incorporate the provisions of the universal legal instruments into their national legislation: 17 States have passed new anti-terrorism legislation and at least 31 others are in the process of doing so.

72. Approximately 6,700 national criminal justice officials have been given specialized substantive briefings on the universal legal instruments. Approximately 1,500 of them have been trained since June 2007.

III. Challenges ahead

73. UNODC is facing the challenge of reinforcing the delivery of its counter-terrorism technical assistance to help States implement the United Nations Global Counter-Terrorism Strategy. Mobilizing increased substantive and financial support from Member States is crucial to meet that challenge.

A. Advancing the implementation of the United Nations Global Counter-Terrorism Strategy

74. In order to implement the Global Strategy, the Terrorism Prevention Branch needs to continue expanding the range of specialized services offered by UNODC for strengthening the legal regime against terrorism.

75. Moreover, criminal justice systems and practitioners need to be equipped and capacitated to deal not only with terrorist crimes but also with a range of crimes potentially linked to terrorism, such as money-laundering, corruption and trafficking

in and smuggling of drugs, firearms and persons. Holistic efforts to strengthen the capacity of national criminal justice systems to address those cross-cutting and related crimes will enhance the effectiveness of global counter-terrorism action.

76. UNODC should adopt a comprehensive approach in carrying out its counter-terrorism work, taking fully into account the work done with regard to the international legal instruments on drugs and crime. The various entities within UNODC face the challenge of integrating pertinent counter-terrorism aspects in their respective areas of work.

77. Mindful of the need to adopt a comprehensive approach, UNODC has elaborated a thematic programme on terrorism prevention to give operational effect to the terrorism-related elements contained in the strategy for the period 2008-2011 for UNODC, approved by the Economic and Social Council in its resolutions 2007/12 and 2007/19. The thematic programme integrates the specialized legal services and the various cross-cutting aspects of the work of UNODC in fighting global terrorism and in implementing the Global Strategy. The thematic programme, which is coordinated by the Division for Treaty Affairs, was presented to Member States at an informal briefing in Vienna in June 2008.

B. Contributing to the work of the Counter-Terrorism Implementation Task Force

78. The Global Strategy underlines the need to enhance coherence within the United Nations system in fostering international cooperation against terrorism and promoting the four pillars of the Strategy. To achieve a holistic implementation of the Strategy, assistance should be provided in an integrated manner while also reaching out to the various stakeholders involved.

79. Under the leadership of the Executive Office of the Secretary-General and together with the Executive Directorate of the Counter-Terrorism Committee, UNODC co-chairs the working group of the Counter-Terrorism Implementation Task Force on facilitating the integrated implementation of the Strategy. That working group aims to assist interested Member States in implementing the Strategy in an integrated manner by developing a single mechanism through which they can channel their requests for assistance to the United Nations, thus ensuring that States receive a tailored response without having to seek that assistance from different entities in the United Nations system. The initiative does not replace the ongoing work of Task Force members; rather, it aims to avoid duplication of effort, thus enabling all parties to profit from increased information exchange and consultation and to maximize the impact of assistance delivery with regard to all four pillars of the Strategy.

80. With regard to interested and identified States, participating Task Force members are expected to undertake a mapping of available needs assessments and information on completed, ongoing and planned assistance activities and to identify gaps in assistance delivery. Based on the outcome of that mapping exercise, an action plan for delivering assistance will be developed and regularly updated. The working group plans to develop the required executing mechanisms, such as a demonstration version of an automated counter-terrorism assistance information exchange system containing information provided in real time by, and accessible to,

participating Task Force members. In developing that tool, experience gained from the Automated Donor Assistance Mechanism, developed by UNODC in the context of the Paris Pact initiative, will be taken into account. The working group will also set up a consultation process to facilitate interaction with assistance providers who are not members of the Task Force. Lessons learned from the initial phase should enable the working group to recommend ways of sustaining the integrated implementation initiative and of making it available to all interested Member States.

81. As co-chair of the working group on facilitating the implementation of the Global Strategy, UNODC has been tasked with taking the operational lead for implementing the initiative, drawing on its substantive and operational expertise and institutional capacity. UNODC will act under the guidance of the Executive Office of the Secretary-General.

C. Mobilizing increased support from Member States

82. Drawing on the financial support that donor countries have provided through their voluntary contributions over the past five years, UNODC has been able to establish under the Branch, both at headquarters and in selected field locations, a highly valuable and indispensable core of specialized expertise and the basic secretariat capacity for the effective planning, delivery, coordination and management of counter-terrorism technical assistance and related partnerships. Whereas the Branch started its technical assistance delivery in 2003 with five posts in the Professional category provided through the regular budget of the United Nations, supplemented by a few additional experts provided through voluntary funding, it now relies on the services of more than 40 staff members in the Professional category at headquarters and in the field to ensure the planning, delivery, coordination and management of legal assistance annually to several dozen countries. It is of paramount importance that such groundwork be sustained and further built upon, with the required balance at headquarters and in the field. Currently, this is almost entirely dependent on voluntary contributions. Donor countries are called upon to make available significantly increased, predictable and multi-year funding in order to enable UNODC to deliver counter-terrorism technical assistance.

83. Dependence on extrabudgetary resources for core expertise and basic secretariat functions is not tenable in the long term, which is why such funding needs to be provided increasingly through the regular budget of the United Nations. The resource allocation under the regular budget has remained almost at the same level since 2003, with the exception of an additional junior-level post approved in December 2007 in connection with the new mandates of the Branch related to the International Convention for the Suppression of Nuclear Terrorism.

IV. Conclusions and recommendations

84. The scope of technical assistance in the legal and related capacity-building areas provided by UNODC, in particular by its Terrorism Prevention Branch, has expanded consistently since 2003 in terms of its geographical reach, the number of States receiving assistance and the nature of the assistance. The partnerships that

have been developed are increasing the level of assistance requirements. A key challenge is to ensure sustained services and adequate follow-up to initial assistance efforts undertaken and thus to ensure long-term impact.

85. Assistance with the ratification of international instruments and their incorporation into national legislation needs to be reinforced in order to expeditiously meet the increasing number of requests from Member States. As no State has yet ratified all of the 16 existing universal legal instruments and fewer than 100 States have ratified the first 12, much work remains to be done to achieve universal ratification. The situation is similar with respect to the incorporation of the provisions of the universal legal instruments into national legislation.

86. In parallel, efforts must be made to build and transfer, in a systematic, comprehensive and sustained manner, specialized knowledge and expertise for strengthening the capacity of national criminal justice systems to apply the legal regime against terrorism in conformity with the rule of law. The delivery of in-depth training assistance requires the provision of a wider range of services in which UNODC has expertise, such as: international cooperation in criminal matters; nuclear terrorism; the financing of terrorism and; rule-of law aspects of countering terrorism. New specialized tools need to be developed and existing tools refined to cover fully the evolving international legal framework.

87. In addition, the increasingly complex and multifaceted nature of terrorism requires integrated services that incorporate the cross-cutting aspects of drug control and the prevention of crime and terrorism. Therefore, UNODC needs to do more to integrate pertinent counter-terrorism aspects in all relevant substantive areas of its mandates and work, such as countering money-laundering, transnational organized crime, drug trafficking and corruption, as well as supporting criminal justice reform. Its network of field-based experts needs to be strengthened, both to serve as a conduit for the transmission of expertise and to enhance regional and national expertise.

88. The General Assembly may wish to provide further guidance with regard to the reinforcement of the technical assistance delivered by UNODC on counter-terrorism issues, covering both the specialized services for strengthening the legal regime against terrorism and the services for addressing the cross-cutting issues of drug control and the prevention of crime and terrorism.

89. To assist Member States in implementing the United Nations Global Counter Terrorism Strategy, UNODC is required, within its mandates, to make effective contributions to the work of the Counter-Terrorism Implementation Task Force. A major challenge will be to facilitate further the integrated implementation of the Global Strategy so that all four pillars of the Strategy are promoted. Moreover, in order to enhance the impact of its technical assistance work, UNODC must also continue to establish and reinforce partnerships with other organizations.

90. The General Assembly may wish to reiterate its call with regard to the active involvement of UNODC in the work of the Task Force. The Assembly may also wish to invite relevant organizations to enhance their cooperation with UNODC on counter-terrorism issues.

91. While donor countries have provided invaluable voluntary contributions that have enabled UNODC to carry out its counter-terrorism work, it is important to

recognize that the current level of resources is inadequate to meet the increasing number of requests for technical assistance on legal and related capacity-building matters and the corresponding expansion of technical assistance delivery activities and substantive initiatives. Increased and multi-year voluntary contributions by donors are essential.

92. It is equally important to recognize that it is necessary to provide, from allocations from the regular budget of the United Nations, the minimum core capacity required in terms of the specialized expertise and secretariat functions needed for delivering greater levels of technical assistance.

93. The General Assembly may wish to express gratitude to donor countries for the voluntary contributions made available to UNODC for its counter-terrorism work and to invite Member States to increase the level of extrabudgetary and regular budget resources for the UNODC technical assistance activities in the area of terrorism prevention.

94. Given the varying views held on the continued potential threat posed by terrorism, it is imperative to continue focusing attention on and providing support to efforts to strengthen the legal regime against terrorism and enhance related national capacities.